

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

GRACE REQUIRES UNDERSTANDING, INC.,

Plaintiff,

v.

CV 10-528 BB/CG

MIKKI ROGERS, Director of the Developmental Disabilities Services Division of the New Mexico Department of Health, in her official capacity; ALFREDO VIGIL, Secretary of the New Mexico Department of Health, in his official capacity; KATHRYN FALLS, Secretary of the New Mexico Human Services Department, in her official Capacity,

Defendants.

**ORDER DENYING SUPPLEMENTAL MOTION FOR EXTENSION OF TIME**

This matter is before the Court on Plaintiff's *Supplemental Motion to Extend Case Management Deadlines*, (Doc. 57). The Court will **DENY** the Motion because it was not filed in conformity with the Federal Rules of Civil Procedure and the Local Rules of Civil Procedure for the District of New Mexico.

Plaintiff initially filed a *Motion to Extend Case Management Deadlines*, (Doc. 48), on December 8, 2010. The Defendants filed a timely response on December 21, 2010. (Doc. 54). Plaintiff filed her supplemental motion on January 18, 2011. The Court construes Plaintiff's supplemental motion as a reply to the Defendant's response since the supplemental motion merely incorporates and amplifies upon the facts laid out in the original *Motion to Extend* and re-alleges her request for an extension of discovery. (See Doc. 48; Doc. 57). Local Rule 7.4 states that a reply must be filed within fourteen (14) days

after service of a response to a motion. D.N.M. LR-Civ. 7.4(a). The time period, however, is to be computed under Fed. R. Civ. P. 6(a) and (d). *Id.* Rule 6(d) provides that when a pleading is served in accordance with Rule 5(b)(2)(E) (electronic service), three days are added after the period would otherwise expire under Rule 6(a) (providing method for time computation). Therefore, Plaintiff's deadline to file a reply to Defendant's response was January 7, 2011. Plaintiff did not file any responsive pleading to Defendant's response until January 18, 2011. Plaintiff's *Supplemental Motion* was therefore untimely.

**IT IS THEREFORE ORDERED** that Plaintiff's *Supplemental Motion to Extend Case Management Deadlines*, (Doc. 57) be **DENIED**.



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CARMEN E. GARZA  
UNITED STATES MAGISTRATE JUDGE